

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DARYL L. DAVIS, §
TDCJ-CID# 802738 §
Plaintiff, §
§
v. § CIVIL ACTION NO. 9:07-CV-19
§
MICHAEL MCDUFFIE, §
Defendant. §

**DEFENDANT MCDUFFIE'S RESPONSE TO PLAINTIFF'S MOTION FOR MOTION
FOR REIMBURSEMENT OF ATTORNEY FEES AND EXPENSES**

Defendant Michael McDuffie, by and through his counsel, files this Response to Plaintiff's Motion For Reimbursement Of Attorney Fees And Expenses. In support thereof, Defendant respectfully offers the following:

After receiving a copy of Plaintiff's Motion For Reimbursement Of Attorney Fees And Expenses via the Electronic Filing Notification, Defendant was able to review it and understand that Plaintiff's counsel is requesting reimbursement of his attorney fees and expenses from the Eastern District's Plan For the Reimbursement of Attorney Fees and Expenses in Non-criminal Justice Act ("CJA") cases. Defendant makes no objections to the motion and withdraw all opposition to it.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

RUTH R. HUGHS
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/s/ Nadine Phillipotts

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ATTORNEYS FOR DEFENDANT McDUFFIE

NOTICE OF ELECTRONIC FILING

I, NADINE PHILLPOTTS, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing in accordance with the Electronic Case Files system of the Eastern District of Texas, on this the 10th day of September 2010.

/s/ Nadine Phillipotts
NADINE PHILLPOTTS
Assistant Attorney General

CERTIFICATE OF SERVICE

I, NADINE PHILLPOTTS, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant McDuffie's Response to Plaintiff's Motion For Reimbursement Of Attorney Fees And Expenses** has been served on all counsel on record electronically as authorized in Federal Rules of Civil Procedure Rule 5(b)(2) and Local Rule CV 5(d), on this 10th day of September 2010.

/s/ Nadine Phillipotts
NADINE PHILLPOTTS
Assistant Attorney General